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E-FILED: September 25, 2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:)	Case No. BKS-08-11113-LBR
)	Chapter 13
)	
)	
Vincent L. Strauss,)	Hearing Date: October 14, 2009
)	Hearing Time: 10:30 AM
)	
Debtor(s).)	
)	
)	

**DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING
UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149
EFFECTIVE JULY 1, 2009)**

COMES NOW, Vincent L. Strauss, by and through attorney, George Haines, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **AMERICA'S SERVICING COMPANY's** ("Creditor") Motion for Relief from Automatic Stay states as follows:

1. On February 09, 2008, Debtor filed the current Chapter 13 Petition in Bankruptcy with the Court.
2. Debtor's Plan provides that Debtor would continue to make direct payments to Creditor, while under the protection of the automatic stay of the Bankruptcy

Court, as well as provide for all payments in arrears through the Debtor's Chapter 13 Plan.

3. Debtor has retained Haines and Krieger, LLC to negotiate a loan modification with the Creditor.

4. On or about September 15, 2009, Creditor filed a Motion for Relief from the Automatic Stay.

5. Debtor believes that the asset securing AMERICA'S SERVICING COMPANY's claim is necessary to the Debtor's effective reorganization.

6. Accordingly, Debtor requests Creditor's motion be denied or continued to allow sufficient time to negotiate a loan modification.

7. In the event this Court is inclined to grant secured Creditor's request for relief from the automatic stay, the Debtor requests that Your Honor require Secured Creditor to renotice any pending foreclosure action under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

8. Pursuant to NRS 107.082 if a foreclosure "sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080." NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) requires Secured Creditor to provide Debtor a notice of election to enter into court mandated mediation.

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WHEREFORE, Debtor requests:

1. AMERICA'S SERVICING COMPANY's Motion be denied or continued for a sufficient amount of time to negotiate a loan modification; and/or
2. In the event Your Honor grants relief from stay, that Secured Creditor be required to renotice its foreclosure proceeding pursuant to Revised NRS 107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing the Debtor an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: September 25, 2009

/s/ David Krieger, Esq.
Attorney for Debtor(s)

CERTIFICATE OF MAILING RE:
DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY

I hereby certify that on September 25, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/George Haines, Esq.
Attorney for Debtor

Gregory Wilde
208 S. Jones Blvd
Las Vegas, NV 89101